

DAVID L. SOBEL
ATTORNEY AT LAW

501 D STREET, N.E.
WASHINGTON, D.C. 20002

(202) 544-3113

May 31, 1984

Letters to the Editor
The Nation
72 Fifth Avenue
New York, NY 10011

To the Editor:

I, for one, do not ascribe evil motives to the ACLU's support of legislation to lessen the CIA's obligations under the Freedom of Information Act ("FOIA"). I strongly disagree, however, with Ira Glasser's contention that the pending bill will "prevent [the CIA] from withholding any information it is currently obligated to release."

Under current FOIA procedures, the CIA (like all other agencies) is required to search for requested documents and, if taken to court, account for all located material and justify its withholding. These justifications are contained in public indexes which generally list the dates, lengths and types of documents that are being withheld. Through this procedure, a requester can learn the volume and general nature of material in the custody of the CIA. An organization, for instance, can ascertain whether the Agency maintains information relating to its activities and determine whether the information is of recent vintage. While it is true that the vast majority of such documents is never released, the fact that they exist generally is.

The pending legislation will relieve the CIA of its obligation to locate and account for information in "operational" files, thus ending a requester's right to public indexes of withheld material. To my mind, the fact that records exist is information, often significant information. In most cases, public access to that information will end if the ACLU-supported legislation is enacted. While the bill might represent a compromise born of political reality, it is not, as Glasser claims, "a significant step forward."

Sincerely,

David L. Sobel

jk